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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTIAN ANTONIO ZUNIGA,

Defendant and Appellant.

A154587

(Contra Costa County  
Super. Ct. No. 5-160868-6)

Defendant Christian Antonio Zuniga was sentenced to four years of felony probation with eight months in county jail and ordered to pay restitution after a jury found him guilty of driving under the influence of alcohol and causing injury in connection with an incident in which he drove into the rear of a fire engine. We previously affirmed Zuniga's conviction. (*People v. Zuniga* (Mar. 8, 2018, A151618) [nonpub. opn.] (*Zuniga*).) Zuniga now appeals the trial court's restitution order, and his appointed counsel has asked this court to independently examine the record in accordance with *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) to determine if there are any arguable issues that require briefing. Zuniga was informed of his right to file a supplemental brief, and did not do so. We have independently reviewed the record in accordance with our *Wende* obligations and find no arguable issues. We thus affirm.

**BACKGROUND**

Around 1:54 a.m. on March 15, 2015, while driving past the scene of an accident on Interstate 80 in Contra Costa County, Zuniga struck the rear of a fire engine, injuring a

firefighter inside. (*Zuniga, supra*, A151618.) Blood tests performed later that morning found that Zuniga was under the influence of alcohol. (*Ibid.*)

In May of 2017, a jury found Zuniga guilty of driving under the influence of alcohol and causing injury (Veh. Code, § 23153, subd. (a)) and found true the allegation that he failed to perform the duty to exercise ordinary care and maintain proper control of his car. (*Zuniga, supra*, A151618.) Zuniga was sentenced to four years of felony probation with eight months in county jail. (*Ibid.*) The prosecution requested restitution in the amount of \$154,283.07 to the Rodeo Hercules Fire Protection District (RHFPD) for repairs to the damaged fire engine.

Zuniga filed an appeal from the judgment of conviction, and his appointed counsel asked this court to independently examine the record in accordance with *Wende* to determine if there were any arguable issues that required briefing. We found none, and affirmed the judgment. (*Zuniga, supra*, A151618.)

Meanwhile, Zuniga filed a motion to oppose the requested restitution. He argued that because the RHFPD had been reimbursed through the county by a third-party insurance company for the damages exceeding \$100,000, he should only be ordered to pay restitution in that amount, less \$5,000 that his own insurance company was willing to contribute. On May 18, after a hearing, the trial court rejected Zuniga's arguments and ordered restitution to the RHFPD in the full amount of \$154,283.07, from which order he now appeals.

Zuniga's opening brief was filed on November 7, 2018. Zuniga was informed of his right to file a supplemental brief, and did not do so.

### **DISCUSSION**

We have carefully reviewed the entire record in accordance with our *Wende* obligations, and we conclude there are no arguable issues on appeal that require further briefing. (See *People v. Birkett* (1999) 21 Cal.4th 226, 245–247 [victim entitled to restitution in the “full amount of the loss caused by the crime, regardless of whether, in the exercise of prudence, the victim had purchased private insurance that covered some or all of the same losses”].)

## **DISPOSITION**

The restitution order is affirmed.

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Richman, J.

We concur:

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Kline, P.J.

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Miller, J.

*People v. Zuniga* (A154587)

